

HOUSE BILL 888

L6, N1

0lr1421

By: **Delegates Benson, Cane, Nathan–Pulliam, Ross, Stukes, and V. Turner**

Introduced and read first time: February 10, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Community Benefit Agreements**

3 FOR the purpose of authorizing a certain governing body to recommend that a
4 developer negotiate and enter into a certain community benefit agreement as
5 part of a review of a site plan or development permit required by law; requiring,
6 with a certain exception, that the governing body be a party to a community
7 benefit agreement; authorizing the governing body to seek to enforce the terms
8 of a community benefit agreement; providing that this Act applies to charter
9 counties and Baltimore City; defining certain terms; and generally relating to
10 community benefit agreements.

11 BY repealing and reenacting, without amendments,
12 Article 66B – Land Use
13 Section 1.03(a) and (c) and 2.13(a)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 66B – Land Use
18 Section 1.03(b)(15) through (17) and 2.13(b)(14) and (15)
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2009 Supplement)

21 BY adding to
22 Article 66B – Land Use
23 Section 1.03(b)(15) and 2.13(b)(16); and 13.02 to be under the amended subtitle
24 “Subtitle 13. Development Rights and Responsibilities and Community
25 Benefit Agreements”
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 66B – Land Use**

4 1.03.

5 (a) Except as provided in this section, this article does not apply to charter
6 counties.

7 (b) The following sections of this article apply to a charter county:

8 **(15) § 13.02 (COMMUNITY BENEFIT AGREEMENTS);**

9 **[(15)] (16)** Except in Montgomery County or Prince George’s County, §
10 13.01 (Development rights and responsibilities agreements);

11 **[(16)] (17)** For Baltimore County only, § 14.02; and

12 **[(17)] (18)** For Howard County only, § 14.06.1.

13 (c) This section supersedes any inconsistent provision of Article 28 of the
14 Code.

15 2.13.

16 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15
17 of this article do not apply in Baltimore City.

18 (b) The following sections of this article apply to Baltimore City:

19 (14) § 12.01 (Inclusionary Zoning); [and]

20 (15) § 13.01 (Development Rights and Responsibilities Agreements);

21 **AND**

22 **(16) § 13.02 (COMMUNITY BENEFIT AGREEMENTS).**

23 Subtitle 13. Development Rights and Responsibilities **AND COMMUNITY BENEFIT**
24 Agreements.

25 **13.02.**

26 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
27 **MEANINGS INDICATED.**

1 **(2) “COMMUNITY BENEFIT AGREEMENT” OR “AGREEMENT”**
2 **MEANS A VOLUNTARY AGREEMENT BY A DEVELOPER TO PROVIDE SPECIFIED**
3 **BENEFITS OR CONCESSIONS TO THE COMMUNITY IN WHICH DEVELOPMENT IS**
4 **TAKING PLACE COINCIDENT WITH THE DEVELOPMENT OF A PROPERTY.**

5 **(3) “GOVERNING BODY” HAS THE MEANING STATED IN § 13.01 OF**
6 **THIS SUBTITLE.**

7 **(B) AS PART OF THE REVIEW OF A SITE PLAN OR DEVELOPMENT PERMIT**
8 **REQUIRED BY LAW, A GOVERNING BODY MAY RECOMMEND THAT A DEVELOPER**
9 **NEGOTIATE AND ENTER INTO A COMMUNITY BENEFIT AGREEMENT.**

10 **(C) UNLESS THE GOVERNING BODY OF A JURISDICTION COVERED BY A**
11 **COMMUNITY BENEFIT AGREEMENT AFFIRMATIVELY DECLINES TO PARTICIPATE**
12 **IN THE AGREEMENT, THE GOVERNING BODY SHALL BE A PARTY TO THE**
13 **AGREEMENT.**

14 **(D) A GOVERNING BODY THAT IS A PARTY TO A COMMUNITY BENEFIT**
15 **AGREEMENT MAY SEEK TO ENFORCE THE TERMS OF THE AGREEMENT,**
16 **INCLUDING TERMS RELATING TO MATTERS OTHERWISE OUTSIDE THE**
17 **JURISDICTION OF THE GOVERNING BODY.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.